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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,593	10/24/2003	Jose A. Gallardo	GDA2082	9465
30245	7590	02/28/2006	EXAMINER	
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AUSTIN, TX 78716			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/692,593	Applicant(s) GALLARDO ET AL.	
	Examiner Daniel J. Cavallari	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details of the connection between the coil, distributor cap, and switch as set forth in the claims "the ignition system comprises a coil and a distributor cap, and wherein the coil is electrically coupled to the distributor cap via a switch internal to the module" and described in the specification (See Specification, Page 4) as well as failing to show the coil (16) itself.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

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the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to for the following reasons:

- The specification discloses a "coil" (16) which is claimed in the specification to not be shown (See Specification Page 7) however drawings 1 & 2 both contain a reference number 16 however the reference is associated with some form of wire and not a "coil" as expected. Therefore, it is unclear what reference number 16 in the drawing is referencing and the coil fails to be properly shown in the drawings as disclosed in the specification.

Appropriate action is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 8, 13, 14, & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilmore (US 5,623,245).

In regard to Claim 1, 3, 7, 13, 14, 15

- A module (50) (See Figure 2 & Column 5, Line 65 to Column 6, Line 12) which receives power from an electrical power source, read on by the battery (16) (See

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Figure 3) connected with an automobiles ignition system (12, 14) including sparkplugs (21) (See Figure 3) wherein the ignition system comprises a coil (12) (See figure 3) and wherein the coil is electrically coupled to the distributor cap (20) via a switch (63) (See Figure 3 & Column 4, Line 64 to Column 5, Line 17) internal to the module (50) (See Figure 2) in which to disconnect the coil from the distributor cap thereby configured to disrupt the firing of the automobile's pistons.

- An engine control unit, read on by the connection between the distributor (20) and spark plugs (21) (See Figure 3 & Column 4, Lines 44-52) wherein the engine control unit controls the generation of sparks which fire the spark plugs and wherein the module (50) is configured to provide input to the engine control unit, read on by the input from the distributor (20).
- A controller comprising a transmitter (30) (See Figure 3) configured to actuate the switch (63) (See Column 5, Lines 46-64) that instructs the engine control unit to disrupt generation of sparks via the distributor when the automobile is stolen.

In regard to Claim 2, 8

- The module (50) further comprising a receiver (60) (See Figure 3 & Column 4, Line 64 to Column 5, Line 17)

In regard to Claim 5

- The controller comprising a portable remote, read on by wristband (80) (See Figure 1 & Column 5, Lines 45-64).

Claims 14 & 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Majmudar (US 5,811,886)

In regard to Claim 14, 19

- A module (56, 52, 50, 76, 70) configured to disrupt firing of the automobiles pistons (See Figure 1 & Column 2, Lines 6-51).
- Coupling the module with a controller (42), which includes a transmitter (See Figure 1) wherein the controller provides input to the module when the automobile is stolen (See Column 2, Line 56 to Column 3, Line 48)

In regard to Claim 16

- The module (40, 52, 50, 76, 70) is configured to disrupt firing of the automobiles pistons by providing an instruction set to an automobiles control unit (56) (See Figure 1 & Column 3, Lines 6-13) which disrupts generation of sparks which fire the automobiles spark plugs (See Column 3, Lines 14-48).

In regard to Claim 17

- Wherein the automobiles engine is a diesel engine (See Column 5, Lines 38-43) by providing an instruction set to the engine control unit which reduces the fluid provided to the fuel injectors.

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In regard to Claim 18

- The module further comprising a receiver (50) (See Figure 1)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore & Mengrone et al. (US 2002/0097152 A1).

Incorporating all arguments above of the anti-theft apparatus taught by Gilmore, Gilmore further teaches a portable remote for a vehicle anti-theft device incorporated into a piece of jewelry that could be worn by an operator (See Column 5, Lines 46-64) but fails to explicitly teach wherein the remote is incorporated into a shoe heel.

Mengrone et al. teaches a theft detection device in which a transmitter associated with the anti-theft device is incorporated into the heel of a shoe to be worn by the operator (See Paragraph 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the remote device which is incorporated into the heel of a shoe as taught by Mengrone et al. with the remote taught by Gilmore. The

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motivation would have been to incorporate the remote device into an article that is easy to use and unlikely to misplace or forget.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore & Penny Jr. (US 6,018,292).

Incorporating all arguments above of the anti-theft apparatus taught by Gilmore, Gilmore fails to teach a trunk-mounted switch. Penny Jr. teaches a trunk-mounted switch (20) (See Column 3, Line 53 to Column 4, Line 53) which outputs a "panic signal" to open the trunk door (See Column 3, Lines 53-62) as well as teaching its integration with existing alarm systems (See Column 5, Lines 8-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the trunk-mounted switch taught by Penny Jr. with the anti-theft device of Gilmore. The motivation would have been to provide added safety to the vehicle operator.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore & Simms et al. (US 5,808,564)

Incorporating all arguments above of the anti-theft apparatus taught by Gilmore, Gilmore teaches the use of a wireless transmitter and receiver but fails to teach the use of a GPS satellite system incorporating a vehicle's identification number (VIN) number.

Simms et al. (*hereinafter referred to as Simms*) teaches a vehicle security system incorporating the VIN number of the vehicle (See Column 5, Lines 12-19 & 49-56) with a GPS satellite system (See Figure 1 & Column 10, Lines 22-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the GPS system and VIN number into the anti-theft device taught by Gilmore which already teaches the use of a transmitter and receiver. The motivation would have been to provide additional security to the system by providing the capability to be connected to additional help via the satellite and GPS system in which the VIN number is used in identifying the operator of the vehicle as taught by Simms.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Majmudar & Simms et al. (US 5,808,564)

Incorporating all arguments above of the anti-theft apparatus taught by Majmudar, Majmudar further teaches the use of a GPS system (74) (See Figure 1) but fails to teach correlating the vehicle's identification number (VIN) into the vehicle's module.

Simms et al. (*hereinafter referred to as Simms*) teaches a vehicle security system incorporating the VIN number of the vehicle (See Column 5, Lines 12-19 & 49-56) with a GPS satellite system (See Figure 1 & Column 10, Lines 22-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the GPS device which incorporates the vehicle's VIN number as taught by Simms into the anti-theft device taught by Majmudar who already teaches the use of a

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GPS device. The motivation would have been to provided additional security to the system by providing the capability to be connected to additional help via the satellite and GPS system in which the VIN number is used in identifying the operator of the vehicle as taught by Simms.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 recites the limitation of "...wherein the microprocessor is configured to pulse the switch on and off". Prior art fails to teach a switch positioned between an automobile ignition coil and distributor which is pulsed on and off by a microprocessor therefore this claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jacobs et al. (US 6,311,664) teaches a vehicle control system incorporating a switch located between the ignition coil (18) and distributor (14) (See Figure 3).
- Tachiki et al. (JP 04011544A) teaches an anti-theft device incorporating a controller located between an ignition coil and a distributor (See Abstract).
- Downey (US 6,265,787) teaches a transmitter, receiver and switch configured to disconnect power to a distributor and coil (See Figure 2).
- Wiehagen (US 5,119,065) teaches a vehicle engine immobilizer incorporating a switch located between an engine coil and the distributor.
- Liron (CA 1,158,335) teaches a vehicle engine immobilizer incorporating a switch located between an engine coil and the distributor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Cavallari whose telephone number is (571)272-8541. The examiner can normally be reached on Monday-Friday 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Cavallari

February 14, 2006



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